

ARIZONA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION CONFORMITY GUIDANCE AND PROCEDURES
REQUIRED UNDER ARIZONA ADMINISTRATIVE CODE
SECTIONS R18-2-1405(R) AND R18-2-1429 (D)

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EXECUTIVE SUMMARY

On April 12, 1995, the Arizona Department of Environmental Quality (ADEQ) adopted transportation conformity rules as required under Section 176(c)(4)(C) of the Clean Air Act, as amended in 1990. The Arizona conformity rules require that the Arizona Department of Transportation develop specified conformity guidance and procedures for the PM-10 nonattainment areas outside of an a Metropolitan Planning Organization. (see maps in Appendix 1). Individual area maps will be provided to each area during the consultation process.

Under Section 176 of the Clean Air Act, government agencies which receive federal transit or highway funds are prohibited from allowing a “regionally significant” highway or transit project to be built without first ensuring that the action would meet specified air quality conformity criteria. In Arizona, the State-required guidance includes the criteria by which ADOT and local jurisdictions will use to determine if a proposed transportation improvement is regionally significant, and must consequently be subject to conformity requirements. The required procedures largely detail the process to determine regional significance and conformity for individual projects not included in a Transportation Improvement Program. Highlights of the proposed guidance and procedures are summarized in Table 1.

Applicability

The ADOT procedures and guidance are to be used by any recipient of federal highway or transit funds prior to approving a nonfederally funded highway or transit project within the PM-10 nonattainment areas outside of an MPO. Within these areas, examples of federal highway or transit funding recipients include ADOT, regional public transportation authority, counties, and cities or towns.

It is important to note that these ADOT procedures do not apply to certain types of projects which are **exempted** from the requirement that a conformity determination be made. These types of projects are listed in Arizona rule R18-2-1434 (see Appendix 2).

TABLE 1
HIGHLIGHTS OF THE ADOT GUIDANCE AND PROCEDURES

Arizona Conformity Rule	Subject	ADOT Approach
R-18-2-1405(R)(1)(a)	Map of transportation facilities which serve regional transportation needs.	Route: is a State highway, connects principal arterials, would be classified as such, or serves regional mobility needs.
R-18-2-1405(r)(1)(b)	Guidance on length of projects which may be exempted from conformity requirements.	Projects not of sufficient length to address environmental matters on a broad scope were primarily excluded.
R-18-2-1405(R)(1)(c)	Guidance on which types of transportation projects that are normally modeled.	Minor arterials and higher classifications plus important connectors.
R-18-2-1429(D)(1)	Information needed to determine whether or not a transportation project is regionally significant.	Location, length, and type of work
R-18-2-1429(D)(1)	Information needed to determine whether or not a transportation project meets air quality conformity requirements.	Location, length, and type of work
R-18-1429(D)(2)	Timeframe for determining whether or not a transportation project is regionally significant.	Simple project determinations made in approximately 2 weeks. Unusual cases will go through a longer process, which may take up to 3 months.
R-18-2-1429(D)(2)	Timeframe for determining whether or not a transportation project meets air quality conformity requirements.	A regionally significant transportation project will require a project level analysis. The analysis takes 4 to 8 weeks. An additional 1 to 3 months may be required depending on the results of the analysis.
R-18-2-1429(D)(3) Required documentation of financial commitment	Not applicable to nonfederally funded projects in PM-10 areas outside the MPO.	Not applicable

The procedures developed by ADOT through the consultation process will apply to publicly as well as privately funded highway and transit projects. The terms “highway project” and “transit project” are defined in Arizona rule R-18-1401. These and other definitions useful in understanding the conformity requirements are included as an appendix to the ADOT procedures (see Appendix 3).

Background

The transportation conformity rules in the Arizona Administrative Code are contained in Title 18 (Environmental Quality), Chapter 2 (Air Pollution Control), Article 14 (Conformity Determinations), Sections R18-2-1401 through R18-2-1437. A significant portion of the article is comprised of procedures and criteria taken verbatim from the federal conformity requirements (Title 40, Code of Federal Regulation, Part 51, subpart T). However, the State of Arizona developed extensive new language regarding “Consultation” and “Requirements for adoption or approval of projects by recipients of funds designated under Title 23 U.S.C. or the Federal Transit Act.” These are the two sections which contain requirements for development of guidance and procedures by ADOT, through the consultation process, for rural areas outside of and MPO.

Also, it is important to note that Arizona law (A.R.S. 49-408) prohibits state agencies or local transportation agencies from taking action that is more stringent than required under federal law with regard to the following functions:

1. Determining which projects require conformity determinations;
2. Determining which projects constitute regionally significant projects; and
3. Making conformity determinations.

However, the law allows the Director of the Arizona Department of Environmental Quality to adopt consultation procedures which “supplement” the federal requirements.

ADOT GUIDANCE REQUIRED UNDER
ARIZONA CONFORMITY RULE R18-2-1405(R)

The guidance below addresses the criteria used to develop a map of transportation facilities in each of the PM-10 nonattainment areas outside of the Metropolitan Phoenix, Tucson, and Yuma PM-10 nonattainment areas that serve regional transportation needs. The Ajo and Rillito PM-10 nonattainment areas were included in the guidance and procedures developed by the Pima Association of Governments (PAG).

a. Map of highway and transit facilities that serve regional transportation needs.

Within each of the PM- 10 nonattainment areas, regional mobility needs are met by the State Highway System and routes that would be classified as a principal arterial based on average daily traffic or other factors, if not for limitations that the USDOT places on the percentage of streets that can be so classified.

For all other roadways, whether the facility:

1. Serves regional mobility needs, as opposed to local access.
2. Carries regional traffic from one principal arterial to another
3. Is a modification that expands a facility such that it would serve regional transportation needs.

The maps that are developed will be used as a resource in assessing whether or not a transportation project would be considered regionally significant for conformity purposes. From the map a proposed listing of regionally significant projects can be developed and should include information supporting the classification. The map should be updated annually or as required, unless no changes have occurred.

A proposed project will ordinarily be considered regionally significant, if:

- the project meets the length threshold specified below in section (b); and
- the project would normally be modeled, as described below in section (c), since it would alter the through-lane carrying capacity of the roadway.

Projects that might not be regionally significant would include:

- A street with a lower classification than a collector street.
- Connecting a facility that does not serve regional needs to a facility that does serve transportation needs.
- A lane other than a through lane.

If a fixed guideway system were developed in a nonattainment area outside of an MPO, federal regulations require that such facilities be considered to serve regional transportation needs.

- b. Guidance on highway improvements that are not considered transportation projects because they are not of sufficient length to address environmental matters on broad scope.

A roadway improvement is considered to be a highway project, subject to conformity requirements, if (among other things) it is “of sufficient length to address environmental matters on a broad scope.”

Through the guidance and consultation process, some of the PM-10 nonattainment areas outside of the Metropolitan Phoenix, Tucson, and Yuma areas determined that routes one-half mile or less in length would not be of sufficient length to address environmental matters on a broad scope. Other areas decided to use one-mile or less in length as the criteria.

An exception to this criterion would be determined through evaluation on an individual project basis.

- c. Guidance on which types of transportation projects are normally considered for modeling.

Highway projects. A roadway modification project will normally be considered for modeling if it meets all of the following criteria:

- the project would increase or decrease through-lane capacity;
- the project exceeds one-half mile in length; and
- the project is on a facility that serves regional transportation needs, or would represent a logical extension thereof.

Transit projects. A transit project would normally be considered for modeling if it meets the following criterion:

- the project would increase or decrease service levels as part of regularly scheduled public transit service that is connected with a regional transit system.

CONSULTATION PROCESS FOR RECIPIENTS
OF FUNDS DESIGNATED UNDER TITLE 23 U.S.C.
OR THE FEDERAL TRANSIT ACT

In accordance with Arizona Rule R18-2-1405(O) a consultation process involving ADEQ, a county air pollution control agency where one exists, ADOT, recipients of funds designated under Title 23 U.S.C. or the Federal Transit Act and any agency created under state law that sponsors or approves transportation projects shall be undertaken to assure that plans for construction of regionally significant projects which are not Federal Highway Administration (FHWA) or Federal Transit Administration (FTA) projects, including projects for which alternative locations, design concept or scope, or the no-build option are still being considered, are disclosed as soon as practicable to ADOT, so as to assure that any significant changes to the design concept or scope of those plans are disclosed as soon as practicable. To help assure timely disclosure, the political subdivision having authority to adopt or approve any potential regionally significant transportation project shall disclose to ADOT on a schedule prescribed by ADOT, each project for which alternatives have been identified through the National Environmental Policy Act (NEPA) process, and in particular, any preferred alternative that may be a regionally significant project. The consultation process shall include assuming the location, design concept and scope of the project, where the sponsor has not yet decided these features, in sufficient detail to allow ADOT to perform a regional emissions analysis.

ADOT in turn shall notify all other parties through the consultation process of any proposed transportation activities that could have potential impact on the nonattainment area with respect to the area's conformity determination.

ADOT PROCEDURES REQUIRED UNDER
ARIZONA CONFORMITY RULE R-18-2-1429(D)

The following ADOT procedures are organized into three parts, corresponding directly to the specific requirements of Arizona rule R18-2-1429(D).

a. Information required

To enable a recipient of federal highway or transit funds to determine whether or not a transportation project is regionally significant, and whether or not a regionally significant transportation project meets all applicable conformity requirements, all of the following information is needed:

1. The location and length of the project. For improvements to existing facilities, this can be expressed by identifying the name of the facility and the project termini, in terms of cross streets, mileposts, or other appropriate geographical features. For new facilities, it is appropriate to include a map (on 8.5 by 11 inch paper), or (on 21.6 by 27.9 cm.-metric), which indicates the project location relative to existing arterial roadways.
2. The type of work, listing major design features, including any change in the number of through-lanes of roadway available for use by single-occupant vehicles. Examples of type of work include, but are not limited to: design, right-of-way, new construction reconstruction, widening, paving, and landscaping. For transit projects this would include transit service levels by route and time of day, with and without implementation of the proposed project.
3. This requirement relates to the financial commitments that have to be submitted for projects that are determined regionally significant in an urbanized area under an MPO (see “c” below).

b. Time Frames for Action

The Arizona conformity rule requires ADOT, through the consultation process for conformity, to specify time frames in which federal highway or transit funding recipients will determine (1) whether or not a transportation project is regionally significant, and (2) whether or not a regionally significant transportation project meets applicable conformity criteria. The processes and associated time frames for making these determinations are described below.

Determination Sought	Process	Time Frame
Determination of whether or not a transportation project is regionally significant.	Submit project to appropriate jurisdiction (e.g. city) for an individual determination	In simple cases, the determination can be made within 2 weeks. If regional consultation is required, the process may take up to 3 months.
Determination of whether or not a transportation project meets applicable conformity requirements.	Submit project to appropriate jurisdiction (e.g. city) for an individual determination.	A regionally significant project will require a project level analysis. The analysis takes 4 to 8 weeks. An additional 1 to 3 months may be required depending on the results of the analysis.

For most projects, the federal highway or transit funding “recipient (e.g. a city) will be able to make a determination of whether or not a project is regionally significant by applying and interpreting the ADEQ-required ADOT conformity guidance and consultation process addressing this issue. Generally, it will be possible for the “recipient’ (e.g. city) to make this determination in a matter of weeks.

As stated in Arizona Rule Section R18-2-1405(G) ADOT shall be the lead agency responsible for preparing the final document or decision and for assuring the adequacy of the consultation process with respect to determinations of transportation conformity, except that the entity authorized to adopt or approve a project shall be the lead agency responsible for project-level conformity determinations for projects outside of the transportation plan or TIP and shall assure the adequacy of the consultation process.

For projects which have been determined to be regionally significant, a conformity determination is required. The applicable criteria for making a conformity determination on a nonfederal transportation project are found in 40 CFR 51.450 and Arizona rule R18-2-1429. A key requirement is consideration of the regional emissions impacts of the project. This requirement can be met through the process as diagrammed in **Figure 1**.

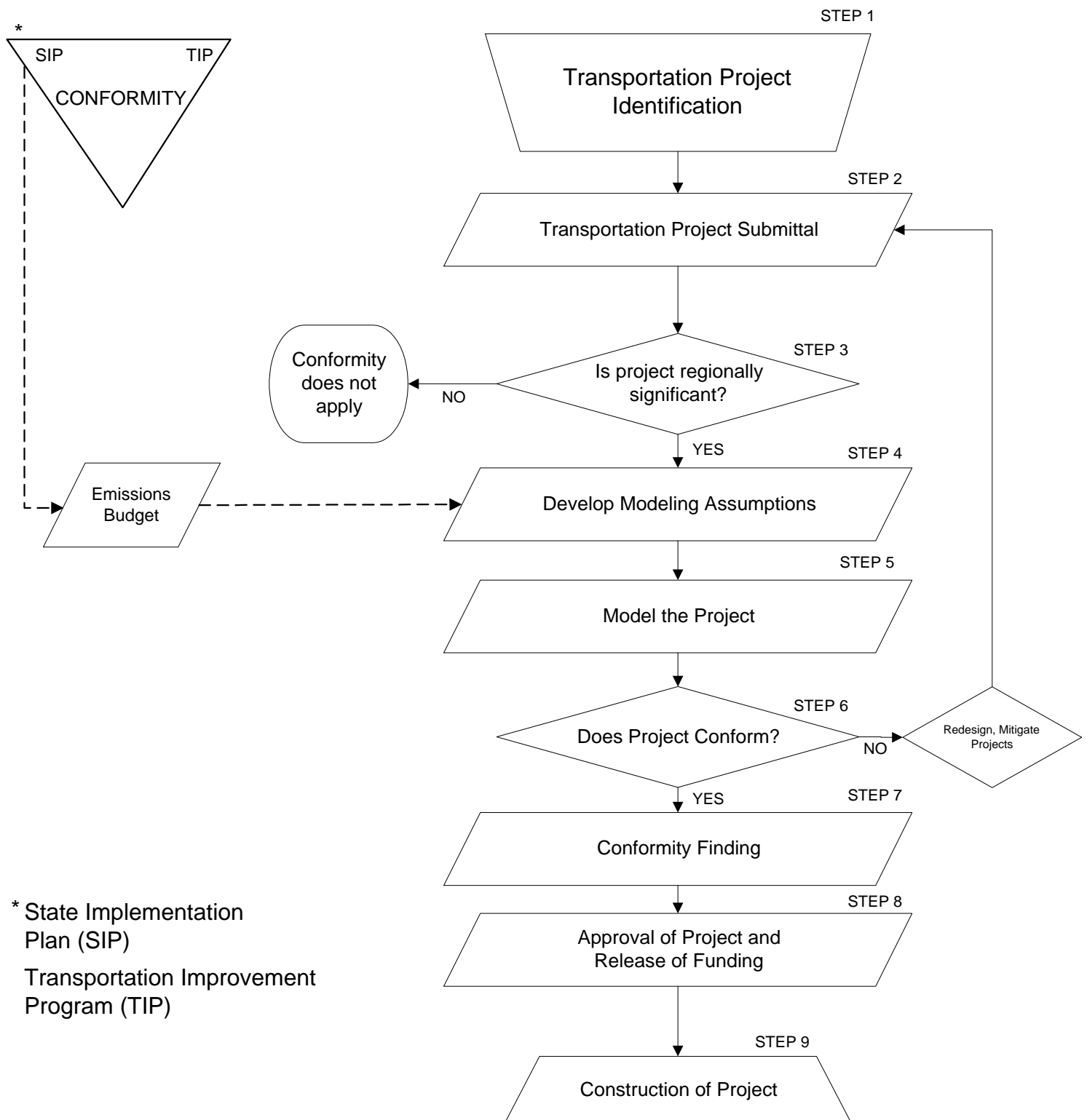
The following requirement is for informational purposes only and this procedure is not required in the PM-10 nonattainment areas outside of an MPO.

c. Documentation of Financial Commitment

The requirements of 23 CFR 450.324(e) documents the responsibilities for MPOs in the development of a financial plan in relation to projects. Section (f) and (g) are a continuation of that process and detail what projects are to be included in a TIP and the type of information that shall be provided.

Figure 1

CONFORMITY PROCESS FOR A PROJECT OUTSIDE OF A TIP



DETAILED EXPLANATION OF FIGURE 1

Figure 1. Step 1: Proposer (example: a developer) identifies the transportation project.

Figure 1. Step 2: Outside of a TIP development cycle, agencies or organizations, i.e., a developer, seeking determinations of regional significance and/or conformity for individual projects submit project information to the appropriate local government or State agency, known as the “Recipient”. Normally, the appropriate recipient agency would be the jurisdiction that takes approval action on the project. Requests and accompanying information should be directed to the proper department as specified by the recipient.

The information needed by the recipient to determine whether or not a proposed transportation I project is regionally significant is detailed under “Information Required,” in section(a) of these ADOT procedures.

Figure 1. Step 3: The Arizona conformity rules prohibit a recipient agency (a city) from approving a transportation project without first determining whether or not the transportation project is regionally significant. In Step 3, the recipient agency, shall notify all parties to the consultation process that a determination is required in accordance with the latest available ADOT Guidance. Possible outcomes are:

If, through the consultation process, the project is designated as regionally significant, the recipient proceeds to Step 4 to initiate a conformity determination.

If, through the consultation process, the project is designated as exempt or not regionally significant, the process concludes with the following result from Step 3.

RESULT: If the recipient agency determines that a project is exempt or not regionally significant, the recipient will so notify the proposer within two weeks after all required information has been received by the recipient. The project can be considered for approval in accordance with the normal process used by the recipient, with no federal or State requirement for a conformity analysis or conformity consultation.

Figure 1. Step 4: After it has been determined that a project is regionally significant, the recipient agency may initiate a conformity determination. A draft assessment regarding regional significance is prepared by the recipient. A project-level analysis will be needed for comparison to the sum of the total for all projects in the PM-10 nonattainment area for conformity purposes. After the draft designation regarding regional significance W been prepared, it is submitted for review through the ADOT consultation process conducted in accordance with R18-2-1405(B). Depending on comments received during the consultation process this action may require form one to three months.

Figure 1. Step 5: Upon request, ADOT will schedule and prepare a project-level analysis for comparison to the sum of the total of all projects in the PM-10 nonattainment area for conformity purposes (takes approximately 4 to 8 weeks). ADOT will have final review responsibility for all project level analysis.

Figure 1. Step 6: A project-level conformity determination is completed. Based on the determination, appropriate consultation and hearings will follow the analysis. Possible outcomes are:

If the recipient or ADOT determine project conformity, the recipient proceeds to Step 7 to complete the conformity finding.

If the project does not conform the process would start again with the following result from Step 3.

RESULT: If the recipient determines that the project does not conform, then the recipient will notify the proposer Within two weeks that the project will need to be redesigned for the purpose of the conformity process.

Figure, 1. Step 7: After completion of the draft air quality conformity analysis for the requested project(s), the recipient informs the proposer that the emissions analysis requirements required under federal regulation have been met.

Figure 1. Step 8: Through the consultation process, the project is adopted or approved.

Figure 1. Step 9: Construction of the project(s).

APPENDIX 1

PM-10 NONATTAINMENT AREAS OUTSIDE OF AN MPO (See map on A-2)

1. BULLHEAD CITY
2. DOUGLAS
3. HAYDEN/MIAMI

4. NOGALES
5. PAYSON
6. PAUL SPUR

Through the consultation process for conformity purposes. ADOT is responsible for developing a map of regionally significant transportation facilities that serve regionally significant transportation needs for each PM-10 nonattainment area outside of the Metro Phoenix. Tucson, and Yuma nonattainment areas. Individual area maps are shown on A-3 through A-8.

The Ajo and Rillito PM-10 nonattainment areas were included in the Pima Association of Governments (PAG) procedures.

REGIONALLY SIGNIFICANT FACILITIES

- | | |
|-------------------------------------|--|
| 1. BULLHEAD CITY - | To date the map has not been developed for this area due to other actions that are pending in this area. |
| 2. DOUGLAS - | State Routes (portions of U. S. 80, U. S. 191, and all of 191 B).
Leslie Canyon Rd. from U. S. 80 to Glenn Rd.
Glenn Rd. from Leslie Canyon Rd. to U. S. 191.
Double Adobe Rd. from U. S. 191 to area boundary. |
| 3. HAYDEN/MIAMI
(PINAL/GILA CO.) | State Routes (portions of U.S. 60, S.R. 77, S.R. 88,
and S. R. 177). |
| 4. NOGALES | State Routes (portions of Interstate 19, S. R. 32, S. R. 189 or Mariposa
Rd. and S. R. 239).
Frank Reed Road
South River Road
Old Tucson Highway |
| 5. PAYSON | State Routes (portions of S. R. 87 and S. R. 260). |
| 6. PAUL SPUR | State Routes (portion of U. S. 80).
Double Adobe Rd. from area boundary to junction of U. S. 80 |

APPENDIX 2

PROJECTS EXEMPTED FROM CONFORMITY REQUIREMENTS

The U.S. Environmental Protection Agency conformity regulations provide full or partial exemption from conformity requirements for certain types of transportation projects, as specified in 40 CFR 51.460 and 40 CFR 51.462. These sections, reproduced below, are included in Arizona conformity rules as R-18-2-1434 and R18-2-1435, respectively.

R18-2-1434. Exempt projects.

Notwithstanding the other requirements of this subpart, highway and transit projects of the types listed in Table 2 are exempt from the requirement that a conformity determination be made. Such projects may proceed toward implementation even in the absence of a conforming transportation plan and TIP. A particular, action of the type listed in Table 2 is not exempt if ADOT or the MPO where one exists in consultation with other agencies pursuant to R18-2-1405, the EPA, and the FHWA (in the case of a highway project) or the FTA in the case of a transit project) concur that it has potentially adverse emissions impacts for any reason. States and MPOs shall ensure that exempt projects do not interfere with TCM implementation.

Table 2. - Exempt projects

SAFETY

1. Railroad or highway crossing.
2. Hazard elimination program.
3. Safer non-Federal-aid system roads.
4. Shoulder improvements.
5. Increasing sight distance.
6. Safety improvement program.
7. Traffic control devices and operating assistance other than signalization projects.
8. Railroad or highway crossing warning devices.
9. Guardrails, median barriers crash cushions.
10. Pavement resurfacing or rehabilitation.
11. Pavement marking demonstration.
12. Emergency relief (23 U.S.C. 125).
13. Fencing.
14. Skid treatments.
15. Safety roadside rest areas.

16. Adding medians.
17. Truck climbing lanes outside the urbanized-area.
18. Lighting improvements.
19. Widening narrow pavements or reconstructing bridges (no additional travel lanes).
20. Emergency truck pullovers.

MASS TRANSIT

1. Operating assistance to transit agencies.
2. Purchase of support vehicles.
3. Rehabilitation of transit vehicles. (In PM-10 nonattainment or maintenance areas, only if projects are in compliance with control measures in the applicable implementation plan.)
4. Purchase of off ice, shop, and operating equipment for existing facilities.
5. Purchase of operating equipment for vehicles (e.g., radios, fareboxes, lifts, etc.).
6. Construction or renovation of power, signal, and communications systems.
7. Construction of small passenger shelters and information kiosks.
8. Reconstruction or renovation of transit buildings and structures (e.g., rail or bus buildings, storage and maintenance facilities, stations, terminals, and ancillary structures).
9. Rehabilitation or reconstruction of track structures, track, and trackbed in existing rights-of-way.
10. Purchase of new buses and rail cars to replace existing vehicles or for minor expansions of the fleet. (In PM-10 nonattainment or maintenance areas, only if projects are in compliance with control measures in the applicable implementation plan.)
11. Construction of new bus or rail storage or maintenance facilities categorically excluded in 23 CFR 771.

AIR QUALITY

1. Continuation of ride-sharing and van-pooling promotion activities at current levels.
2. Bicycle and pedestrian facilities.

OTHER

1. Specific activities which do not involve or lead directly to construction, such as:
 - a. Planning and technical studies.
 - b. Grants for training and research programs.

- c. Planning activities conducted pursuant to titles 23 and 49-U.S.C.
- d. Federal-aid systems revisions.
- 2. Engineering to assess social, economic, and environmental effects of the proposed action or alternatives to that action.
- 3. Noise attenuation.
- 4. Advance land acquisition (23 CFR 712 or 23 CFR 771).
- 5. Acquisition of scenic easements
- 6. Plantings, landscaping, etc.
- 7. Sign removal.
- 8. Directional and informational signs.
- 9. Transportation enhancement activities (except rehabilitation and operation of historic transportation buildings, structures, or facilities).
- 10. Repair of damage caused by natural disasters, civil unrest, or terrorist acts, except projects involving substantial functional, locational, or capacity changes.

R18-2-1435. Projects exempt from regional emissions analyses.

Notwithstanding the other, requirements of this subpart, highway and transit projects of the types listed in Table 3 are exempt from regional emissions analysis requirements. The local effects of these projects with respect to CO or PM-10 concentrations shall be considered to determine if a hot-spot analysis is required prior to making a project-level conformity determination. These projects may then proceed to the project development process even in the absence of a conforming transportation plan and TIP. A particular action of the type listed in Table 3 is not exempt from regional emissions analysis if the MPO in consultation with other agencies pursuant to R18-2-1405, the EPA, and the FHWA (in the case of a highway project) or the FTA (in the case of a transit project) concur that it has potential regional impacts for any reason.

Table 3. - Projects Exempt From Regional Emissions Analyses

- 1. Intersection channelization projects.
- 2. Intersection signalization projects at individual intersections.
- 3. Interchange reconfiguration projects.
- 4. Changes in vertical and horizontal alignment.
- 5. Truck size and weight inspection stations.
- 6. Bus terminals and transfer points.

APPENDIX 3
DEFINITIONS RELATING TO REGIONALLY SIGNIFICANT
TRANSPORTATION PROJECTS

R18-2-1401(16)

“Highway project” means an undertaking to implement or modify a highway facility or highway-related program. Such an undertaking consists of all required phases necessary for implementation. For analytical purposes, it shall be defined sufficiently to:

- a. Connect logical termini and be of sufficient length to address environmental matters on a broad scope.
- b. Have independent utility or significance, i.e., be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made.
- c. Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.

R18-2-1401(37)

“Regionally significant transportation project” means a transportation project (other than an exempt project) that is on a facility which serves regional transportation needs (such as access to and from the area outside of the region, major activity centers in the region, major planned developments such as new retail malls, sports complexes, etc., or transportation terminals, as well as most terminals themselves) and would normally be included in the modeling of a metropolitan area's transportation network, including at a minimum all principal arterial highways and all fixed guideway transit facilities that offer an alternative to regional high-way travel.

R18-2-1401(44)

“Transit project” means an undertaking to implement or modify a transit facility or transit-related program; purchase transit vehicles or equipment; or provide financial assistance for transit operations. It does not include actions that are solely within the jurisdiction of local transit agencies, such as changes in routes, schedules, or fares. It may consist of several phases. For analytical purposes, it shall be defined inclusively enough to:

- a. Connect logical termini and be of sufficient length to address environmental matters on a broad scope.
- b. Have independent utility or independent significance, i.e., be a reasonable expenditure even if no additional transportation improvements in the area are made.
- c. Not restrict consideration of alternatives for enter reasonably foreseeable transportation improvements.